

REMARKS

This amendment is submitted in full response to the outstanding Office Action of February 3, 2000 on the merits of the above-identified case. In the outstanding Office Action, claims 1-10, and 15 stand rejected under 35 U.S.C. §102 as being anticipated by Elgamal (U.S. Patent No. 5,671,279). The Examiner has, however, indicated that claims 11-14 and 16-17 are merely objected to, but contain allowable subject matter.

Accordingly, merely so as to expedite formal allowance of the allowable claims, and without consideration of the merits of the Examiner's substantive rejections as to the original pending claims, some original claims have been canceled and claims 18 and 19 have been added, as recited above, so as to contain the allowable subject matter of now cancelled dependent claim 11 and 16. Specifically, the subject matter of allowable claim 11 has been presented in independent form as new claim 18, and the subject matter of allowable claim 16 has been presented in independent form as new claim 19. New claims 18 and 19 are, therefore, believed to be in allowable form.

In addition to the above new claims, Applicant also submits amended independent claim 1 for reconsideration. Before a substantive review of this claim, however, it is important to note for a prior art reference to anticipate as recited by the Examiner,

**every** element of the claimed invention must be shown by that reference. Along these lines, Applicant respectfully notes that despite similar terminology between the Elgamal reference and the present invention, certain features claimed by the Applicant are not actually suggested or disclosed by Elgamal. In particular, as correctly pointed out by the Examiner on page 3 of the office action, Elgamal discloses the generation of a transaction ID (col. 7, lines 4-10). The transaction ID referred to by Elgamal, however, refers to an authorization or tracking number that is generated by a merchant (col. 7, lns. 59-64) to "track an order" (col. 7, lns. 4-10), and cannot be said to define a transaction code that is communicated **to** a merchant to actually consummate an order. Indeed, unlike the Applicant's system and its transaction code, it is urged that a transaction may still be consummated using the Elgamal system even without a transaction ID, as the transaction ID merely identifies a current transaction. As such, the Applicant believes that despite the unfortunate use of similar terms, within the context of amended independent claim 1 and the Applicant's invention, the reference to Elgamal does not anticipate, teach or suggest the Applicant's invention.

Accordingly, based on the above remarks and the contents of the references of record, the Examiner is respectfully requested to reconsider his position. Since nowhere in the art is this new,

novel and not obvious combination to be found, taught, or suggested, it is urged that this case is now clearly in condition for allowance and, accordingly, the same is solicited.

Respectfully submitted,

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